IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5895 of 1999

Between:

1. Kunchala Venkateswarlu
2. Pallepu Anasuyamma
3. Bellamkonda Ankamma Rao
4. Yenumala Srinivasa Rao
5. Abba Sambaiah
6. Bogavarapu Pullaiah
7. Sanagala Hanumaiah
8. Sajjarao Sambaiah
9. Gunji Ankamma
10. Atchi Nageshwara Rao
11. Manne Ankamma
12. Sreeram Sivakoteshwaraiah
13. Ravikrinda Hanumantha Rao
14. Kolisetti Subbaiahamma
15. Gorantla Adilakshmi
16. Gorantla Venkateshwarlu
17. Chundari Adinarayana
18. vasava Satyavathi
19. Togara Prasadamma
20. Tubati Peddammai
21. Yearram Veera Raghavamma
22. Bobbepalli Mastanamma

23. Bellamkonda Nagabhushanam

All are R/o Pasamarru Village, Chilakaluri pet Mandal, Guntur District

... PETITIONER

AND

1. Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2. The District Collector, Guntur
3. The Revenue Divisional Officer, Narasaraopet, Guntur District
4. The Mandal Revenue Officer, Chilakaluripet Mandal, Guntur District
5. Inspector of Police (C.I.), Chilakaluripet Mandal, Guntur District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass writ or order or orders more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in evicting the petitioners from their respective plots, as illegal, arbitrary and much against to the principles of natural justice

Counsel for the Petitioner: MR.D.JAIPAL REDDY

Counsel for the Respondents1 to 4: GP FOR REVENUE

Counsel for the Respondent 5: GP FOR HOME

The Court Made the Following Order:

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents to evict the petitioners from their respective house-sites (plots) in Survey No.743 of Pasumarru Village, Chilkaluripet Mandal, Guntur District as illegal.

It is the case of the petitioner that all the petitioners were not having house-sites of their own. For construction of houses the Government allotted house-sites to an extent of Ac.0.03 cents each to the petitioners in Survey No.743 of Pasumarru village, Chilkaluripet Mandal, Guntur District. It is the case of the petitioner that pursuant to such allotment in plot Nos. 185, 16, 179, 91, 152, 110, 52, 13, 168, 167, 97, 215, 62, 73, 88, 96, 87, 51, 14, 129, 128, 161, and 187, they have already raised huts and are using for their residences. It is further stated that for the grant of financial assistance for construction of houses they have also paid their share of Rs.361/- each in shape of Demand Drafts and submitted to 3rd respondent/Revenue Divisional Officer along with their patta certificates. On the ground that in spite of the fact that valid pattas were granted to them and though they are in actual physical possession of the allotted house-sites, the respondents were taking steps to dispossess them to accommodate with displaced persons from the encroached lands without conducting an enquiry and without issuing notice to the petitioners, the writ petition is filed.

Though the writ petition is of the year 1999 no counter affidavit is filed on behalf of the respondents.

As much as it is the case of the petitioner that they were already allotted Ac.0.03 cents each as house-site patta in Survey No.743 and pattas are in tact,

in which event they cannot be dispossessed from the house-sites which were allotted to them. As much as no counter affidavit contraverting the avertments in the affidavit filed in support of the writ petition, I dispose of the writ petition directing the respondents not to take any steps to evict petitioners from the house-sites which were granted to them in Survey No.743 of Pasumarru village, Chilkaluripet Mandal, Guntur District.

Further, it is made clear that if any of the petitioner is not granted house-site patta or if patta given earlier is already cancelled, it is open for the respondents to proceed against them in accordance with law.

Subject to the above direction the writ petition is disposed of. No costs.

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(R. SUBHASH REDDY, J)

July 1, 2004

Dsk

To

1. Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2. The District Collector, Guntur
3. The Revenue Divisional Officer, Narasaraopet, Guntur District
4. The Mandal Revenue Officer, Chilakaluripet Mandal, Guntur District
5. Inspector of Police (C.I.), Chilakaluripet Mandal, Guntur District
6. GP for Revenue
7. GP for Home
8. Two C.D. Copies